



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Motion to Quash Civil Subpoena for Kaweah Delta Hospital and St. Agnes Medical Center

Age: 2		TEMP (Elaine Thomas) EXPIRES 7-23-13	NEEDS/PROBLEMS/COMMENTS:
		ELAINE THOMAS , Paternal Grandmother, is Temporary Guardian.	See timeline on Page 2 for reference. Trial is currently set for 7-23-13.
Cont. from 061213		RACHEL STAUFFER , Mother, filed a Motion to Quash Civil Subpoena for Kaweah Delta Hospital and St. Agnes Medical Center on 5-17-13.	Note: On 6-14-13, Cindy J. Hopper, attorney for Mother Rachel Stauffer, filed Notice of Motion and Motion to be Relieved as Counsel. See Page 1B of this calendar.
Aff.Sub.Wit.		Ms. Stauffer states:	Upcoming dates:
Verified			
Inventory		<ul style="list-style-type: none"> On 5-3-13, she was served with a Notice to Consumer or Employee and Objection and a Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial and Declaration for St. Agnes Medical Center and Kaweah Delta Hospital (attached). 	7-23-13: Court Trial re general guardianship – time estimate 2-2½ days.
PTC			
Not.Cred.		<ul style="list-style-type: none"> On 5-8-13, Attorney Hopper faxed a letter to Attorney Attashian stating that the mother's medical records are privileged and are outside the scope of discovery as there are no medical issues before the Court concerning the guardianship itself, and informing Ms. Attashian that she would not be entitled to all medical records prior to the birth of Zachary nor records that do not pertain to any issues that have not been tendered before this Court, and if she did not immediately withdraw the subpoenas and Mother is forced to file a motion to quash, she would be requesting sanctions for abuse of the discovery process. 	Reviewed by: skc
Notice of Hrg			
Aff.Mail		<ul style="list-style-type: none"> Ms. Stauffer states she has NOT put any medical issues before this Court; rather, Elaine has been the one to do so. In her 4-2-12 petition, she stated that Ms. Stauffer needed to be admitted to a hospital, and attached an email from Ms. Stauffer's mother (Patricia Kilpatrick) to Attorney Attashian. 	Reviewed on: 7-11-13
Aff.Pub.			
Sp.Ntc.		<ul style="list-style-type: none"> Further, Elaine has requested all of Mother's medical records without ANY limit to time frame. Elaine should not be entitled to ANY of the medical records, especially those that do not pertain to issues not tendered before this Court. 	Updates:
Pers.Serv.			
Conf. Screen		<ul style="list-style-type: none"> Trial was originally scheduled for 3-26-13, but continued by stipulation and order. At no time did Mother agree to waive the discovery time and said time frame has lapsed. Furthermore, she did not agree to reopen discovery proceedings. 	Recommendation:
Letters			
Duties/Supp			File 1 – Filgas
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice		Points and Authorities attached.	

Declaration of Temporary Guardian Elaine Thomas states that on 1-30-13, Ms. Stauffer had filed a supplemental declaration with the Court. At the time of filing, Rachel had failed to visit for approx. six weeks. As a result of the declaration, Guardian's attorney propounded discovery to determine where Ms. Stauffer had been hospitalized and the reason. In answering, Ms. Stauffer stated she had been hospitalized at Kaweah Delta and St. Agnes Medical Hospital.

The initial trial date was 3-26-13. Trial has been continued three times. The above declaration proffering new information and the affirmative defense by Respondent after the initial trial setting.

Guardian requests Ms. Stauffer's medical records pursuant to Civil Code §1987(c) allowing the issuance of the subpoena approximately 20 days before a trial date. The subpoena is timely. If the Court finds otherwise, she requests the Court re-open discovery so that these records can be admitted as relevant in the instant proceedings. Ms. Stauffer invoked her medical condition as the reason for her significant absence from Zachary's life. The records have been released and are in the attorney's possession. Because of the delicate nature of the contents, Guardian has not reviewed the records, but is amenable to the issuance of a protective order and an in camera review of the records.

Guardian states Ms. Stauffer provided a third party (her mother) with access to her medical records, and it is also Guardian's understanding that there are statements by third parties in the records. Guardian requests the Court review the documents to determine whether she has already waived privileged by providing access to a third party and whether there are statements made by third parties who are expected witnesses to the instant action.

In the very least, the records should be available to Guardian at trial to ensure Ms. Stauffer's candor or any third party's candor regarding the information relevant to the instant proceedings and guardianship.

Points and Authorities attached.

		CINDY J. HOPPER , Attorney for Rachel Stauffer, mother of Zachary Filgas, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Page 1A is Mother's Motion to Quash Civil Subpoena. <u>Note:</u> Trial is set for 7-23-13.
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<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc Reviewed on: 7-11-13 Updates: Recommendation: File 1 – Filgas

Lyle E. Schafer DOD: 8-20-10		JANICE BRANUM , Successor trustee, is Petitioner. Account period: 11-1-12 through 4-30-13 Accounting: \$2,451,908.24 Beginning POH: \$2,424,767.01 Ending POH: \$1,567,518.22 (cash) Closing: \$12,000.00 (for payment of attorney fees for this final petition and accountant fees for the final tax returns) Petitioner states all trust administration matters are substantially completed including payment of all debts of the decedent. All post death administration expenses and costs, except for the preparation of the 2013 final fiduciary income tax returns and the remaining expenses, fees, costs of final distribution, have been paid or accounted for in this petition. Petitioner states with the approval of this Third Account and other relief requested herein, Petitioner intends to resign as Trustee in favor of Bradford T. Schafer, the Successor Trustee designated by the Trustors in the 2 nd Amendment (Exhibit B). Therefore, the funding of the sub-trusts will be to Bradford T. Schafer as Successor Trustee. Mr. Schafer resides in Godley, Texas. Petitioner requests that as a part of the Order of Final Distribution for the Decedent's Trust, that the Court approve the transfer of the administration of the sub-trusts established on distribution to Godley, Texas, subject to the jurisdiction of the 355 th Judicial District Court, Granbury, Texas. Petitioner proposes distribution of the remaining trust estate as follows: <ul style="list-style-type: none"> Bradford T. Schafer, Trustee of the sub-trust created under the Lyle E. Schafer Decedent's Trust FBO Pamela J. Schafer-Waller: \$308,214.14 Bradford T. Schafer, Trustee of the sub-trust created under the Lyle E. Schafer Decedent's Trust FBO Marlin L. Schafer: \$346,740.90 Bradford T. Schafer, Trustee of the sub-trust created under the Lyle E. Schafer Decedent's Trust FBO Joy L. Harned (formerly Joy Lebeuf): \$260,055.68 Bradford T. Schafer, Trustee of the sub-trust created under the Lyle E. Schafer Decedent's Trust FBO Michael J. Kendall: \$216,713.06 Bradford T. Schafer, Trustee of the sub-trust created under the Lyle E. Schafer Decedent's Trust FBO Bradford T. Schafer: \$423,794.44 Request for transfer to another jurisdiction: <u>SEE PAGE 2</u>	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner originally requests a \$12,000.00 reserve, which appears to be the amount the distribution amounts are based on; however, the prayer and order indicate a reserve of \$16,076.00. Need clarification.																																																																			
<table border="1"> <tr> <td></td> <td>Aff.Sub.Wit.</td> <td></td> </tr> <tr> <td>✓</td> <td>Verified</td> <td></td> </tr> <tr> <td></td> <td>Inventory</td> <td></td> </tr> <tr> <td></td> <td>PTC</td> <td></td> </tr> <tr> <td></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td>✓</td> <td>Notice of Hrg</td> <td></td> </tr> <tr> <td>✓</td> <td>Aff.Mail</td> <td>W</td> </tr> <tr> <td></td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td></td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td></td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td></td> <td>Letters</td> <td></td> </tr> <tr> <td></td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td></td> <td>Objections</td> <td></td> </tr> <tr> <td></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td></td> <td>CI Report</td> <td></td> </tr> <tr> <td></td> <td>9202</td> <td></td> </tr> <tr> <td>✓</td> <td>Order</td> <td></td> </tr> <tr> <td></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td></td> <td>UCCJEA</td> <td></td> </tr> <tr> <td></td> <td>Citation</td> <td></td> </tr> <tr> <td></td> <td>FTB Notice</td> <td></td> </tr> </table>					Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	W		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp			Objections			Video Receipt			CI Report			9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA			Citation		
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		Reviewed by: skc Reviewed on: 7-11-13 Updates: Recommendation: File 3 – Schafer																																																																				

Petitioner requests the Court transfer administration of the sub-trusts established pursuant to this order pursuant to Probate Code §§17400 et seq., based on the following:

- Petitioner will resign as trustee effective upon acceptance by the Court of the assumption of trusteeship by the next designated trustee, Bradford T. Schafer. After her resignation, there will be no further administration in Fresno County.
- Bradford T. Schafer has agreed to accept trusteeship (See Acceptance filed concurrently). The administration of the trust will be conducted at an address in Godley, Texas, which is Mr. Schafer's address. For ease of administration and cost-effectiveness, he requests administration be transferred to the 355th Judicial District Court, Granbury, Texas.
- Mr. Schafer is an established and respected businessman in Granbury, Texas. In addition to owning and operating several businesses, he is employed as senior management overseeing leasing for a major oil and gas company. Pursuant to the terms of the trust, bond is not required.
- There are no other trusts by the same trustor being administered by Mr. Schafer in the 355th Judicial District Court, Granbury, Texas.

Petitioner requests an order that:

1. The Third and Final Account be settled, allowed, and approved as rendered and all acts of Petitioner set forth or relating to the matters set forth be ratified, confirmed, and approved;
2. Petitioner be authorized to retain a reserve fund in the amount of \$16,076.00; [See Note #1]
3. Petitioner be authorized and distribution of the trust estate as described above;
4. The administration of the sub-trusts established pursuant to the terms of the **Lyle E. Schafer Decedent's Trust** be transferred to the 355th Judicial District Court, Granbury, Texas; and
5. Such further relief as the court deems proper.

Age: 19		NO TEMP REQUESTED		NEEDS/PROBLEMS/ COMMENTS: Court Investigator advised rights on 5-13-13. <u>Continued from 5-21-13. As of 7-11-13, nothing further has been filed.</u> 1. Need assessment and report with findings and recommendations from CVRC for <i>limited</i> conservatorship pursuant to Probate Code §1827.5. 2. Petitioners request <i>limited</i> conservatorship, but include <u>all of the additional powers</u> under §2351.5. However, according to the Court Investigator's report, Petitioners made statements indicating that they do not want <i>all</i> of the additional powers requested in the petition. The Court may require clarification regarding whether Petitioners are requesting a <i>limited</i> or a <i>general</i> conservatorship, and if limited, need CVRC assessment regarding are appropriateness.
		NEIL and DOREDDA GROSSMAN , Parents, are Petitioners and request appointment as Limited Conservators of the Person with medical consent powers under Probate Code §2355 and all additional powers listed under Probate Code §2351.5, including fix residence, access to confidential records, consent or withhold consent to marriage, right to contract, right to control social and sexual contacts and relationships, decisions re education.		
Cont. from 052113				
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✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order		<p>Court Investigator Jo Ann Morris filed a report on 5-14-13. The Investigator discussed the differences between limited and general conservatorship, such as marriage, etc., and Petitioners indicated that they don't want to limit Kyle's social and sexual contacts and relationship, and it is their hope that he can live independently someday. The Investigator contacted CVRC pursuant to Probate Code §1827.5(c), which requires a report from the regional center with regard to limited conservatorships. However, CVRC indicated that it was not their policy to get involved in conservatorship proceedings. When informed of the statutory requirement, Program Manager Sam Morgan indicated he would check with his legal department, but did not think CVRC would be preparing a report. The Investigator attempted to contact Trinidad Beltran, who Mr. Morgan referred her to, but did not receive a call back.</p> <p>The report states that the proposed Conservatee is high functioning and has valid opinions about his education, etc. At this time, he is content with following the advice of his parents and defers to them to make major decisions. However, without a report from CVRC, the Investigator is unable to make a definitive recommendation as to the proposed conservatee's exact degree of disability and which powers are absolutely necessary. It does appear appropriate to grant a limited conservatorship with authority to limit the Conservatee's right to contract and authority to make medical decisions based on the Capacity Declaration of Dr. Kraft.</p>	
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
Reviewed by: skc Reviewed on: 5-16-13 Updates: Recommendation: File 5 – Grossman				

DOD: 5/16/2013		PATSY TRUEBLOOD , surviving spouse, is petitioner and requests appointment as Administrator without bond. Full IAEA – o.k. Decedent died intestate. Residence: Madison County, IN (leaving real property in Fresno CA) Publication: Fresno Business Journal Estimated value of the estate: Personal property - \$ 80,000.00 Real property - \$ 50,000.00 Total - \$130,000.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: 1. Need waivers of bond from: a. Kellee Anderson (daughter) b. Jon Trueblood (son) - Or bond set at \$130,000.00 2. Need Letters
Cont. from			
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Reviewed by: KT
Reviewed on: 7/11/2013
Updates:
Recommendation:
File 6 – Trueblood

Atty Matlak, Steven M.

Atty Barron, Richard B.

Status Hearing Re: Filing of the First Account of the Successor Trustee

Age:		NEEDS/PROBLEMS/COMMENTS:	
DOD:			
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
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Notice of Hrg			
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CI Report			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: KT
			Reviewed on: 7/11/2013
	Updates:		
	Recommendation:		
	File 7 – Rodriguez		

Age: 18		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		JOHN and APRIL BUTTERFIELD , Parents, are Petitioners and request appointment as Co-Conservators of the Person only.	<u>Court Investigator advised rights on 6-12-13</u>
Cont. from 062513			<u>Voting rights affected</u>
	Aff.Sub.Wit.	Petitioners also request orders authorizing independent exercise of powers under Probate Code §2590.	- <u>Need minute order</u>
✓	Verified		<u>Minute Order 6-25-13:</u> Petitioners inform the Court that they do want medical consent powers. The Court advises Petitioners to fix defects on the Examiner Notes.
	Inventory		
	PTC		
	Not.Cred.	VOTING RIGHTS AFFECTED	
✓	Notice of Hrg	A capacity declaration was filed 5-15-13.	
✓	Aff.Mail	Petitioners state the proposed Conservatee was diagnosed with Fragile X Syndrome at age 3. He remains low-functioning and is likely to remain that way indefinitely. He is indifferent to his physical health and will not obtain proper nutrition or hydration without constant supervision. He pays almost no heed to personal safety and has entered roadways without watching for traffic. He is unable to interact appropriately with other people and often fails to remember who people are unless he sees them daily. Although he is good at basic arithmetic, he does not comprehend money. He does not make independent decisions and will simply do what he is told.	1. Petitioners request powers under Probate Code §2590; however, do not request conservatorship of the estate or provide any explanation of the situation that necessitates such powers. Need clarification.
	Aff.Pub.		2. Petitioners do not request medical consent powers under Probate Code §2355; however, a capacity declaration was provided that indicates that such powers might be appropriate. Need clarification. If medical consent powers are to be considered, the Court may require amended petition and service on the proposed Conservatee.
	Sp.Ntc.		
✓	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting	Court Investigator Julie Negrete filed a report on 6-18-13.	Reviewed by: skc
	Status Rpt		Reviewed on: 7-11-13
	UCCJEA		Updates:
✓	Citation		Recommendation:
	FTB Notice		File 12 – Butterfield